ಶ್ರೀಮತಿ ರತ್ನಮ್ಮ ಮಾಧವರಾವ್.—ಪ್ರಶ್ನೆಯ (ಬ) ಭಾಗಕ್ಕೆ ಉತ್ತರವಾಗಿ ಹೇಳಿರುವಂತೆ ಸಾಲ ಮಂಜೂರಾಗುದು ಯಾವಾಗ ?

*ಶ್ರೀ ಆರ್. ಚೆನ್ನಿಗರಾಮಯ್ಯ.—1956ನೆಯ ಇಸವಿಯಲ್ಲಿ.

ಶ್ರೀಮತಿ ರತ್ನಮ್ಮ ಮಾಧವರಾವ್.—ಮಂಜೂರಾದ ಪಿಷಯ ಪರಿಸರಭೆಗೆ ತಿಳಿಸಿದೆಯೇ ?

ಶ್ರೀ ಆರ್. ಚೆನ್ನಿಗರಾಮಯ್ಯ.—ತಿಳಿಸಿದೆ.

ಶ್ರೀಮತಿ ರತ್ನಮ್ಮ ಮಾಧವರಾವ್.—ಮಂಜೂರಾದ ಮೊಬಲಗನ್ನು ಮಾರ್ಪಾಡು ಮಾಡಬೇಕೆಂದು ಸರ್ಕಾರದಲ್ಲಿ ಮನವಿಮಾಡಿದ್ದಾರೆಯೇ ?

ಶ್ರೀ ಆರ್. ಚೆನ್ನಿಗರಾಮಯ್ಯ.—ಮಾಡಿದ್ದರು. ಅದರ ಮೇಲೆ ಅರ್ಧ ಭಾಗ ಗ್ರಾಂಟಾಗಿ ಟ್ರೀಟ್ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ, ಒಂದು ಲಕ್ಷ, 25 ಸಾವಿರ ರೂಪಾಯಿಗಳ ಗ್ರಾಂಟನ್ನು ಮಾತ್ರ ಕೊಡುತ್ತೇವೆ, ಬಾಕಿಯಾದ್ದು ಸಾಲ ಎಂದು 1953ರಲ್ಲೇ ಹೇಳಿದ್ದೇವೆ.

ಶ್ರೀಮತಿ ರತ್ನಮ್ಮ ಮಾಧವರಾವ್.—ಈ ಯೋಜನೆಯ ಕೆಲಸ ಪ್ರಾರಂಭವಾಗಿದೆಯೇ ?

ಶ್ರೀ ಆರ್. ಚೆನ್ನಿಗರಾಮಯ್ಯ.—ಅರ್ಧಮರ್ಧ ಆಗಿ ಅಲ್ಲಿಗೇ ನಿಂತಿದೆ.

ಶ್ರೀಮತಿ ರತ್ನಮ್ಮ ಮಾಧವರಾವ್.—ಈ ಕೆಲಸ ಪುರು ಮಾಡಿ ಎಷ್ಟು ದಿವಸಗಳಾದುವು ?

ಶ್ರೀ ಆರ್. ಚೆನ್ನಿಗರಾಮಯ್ಯ.—1952ರಲ್ಲಿ ಪುರು ಮಾಡಿರಬೇಕೆಂದು ಕಾಣುತ್ತದೆ.

ಶ್ರೀಮತಿ ರತ್ನಮ್ಮ ಮಾಧವರಾವ್.—ಇದು ವರೆಗೆ ಈ ಯೋಜನೆಯ ಸಂಬಂಧದಲ್ಲಿ ಖರ್ಚು ಮಾಡಿರುವ ಮೊಬಲಗೆಷ್ಟು ?

ಶ್ರೀ ಆರ್. ಚೆನ್ನಿಗರಾಮಯ್ಯ.—ನಿಖರವಾಗಿ ಎಷ್ಟಾಗಿದೆಯೆಂಬ ಅಂಕಿ ನನ್ನ ಬಳಿ ಇಲ್ಲ. ಬೇಕಾದರೆ ತರಿಸಿಕೊಡುತ್ತೇನೆ.

ಶ್ರೀಮತಿ ರತ್ನಮ್ಮ ಮಾಧವರಾವ್.—ಅದಷ್ಟು ಜಾಗ್ರತೆ ಈ ಕೆಲಸಕಾರ್ಯ ಮಾಡುವಂತೆ ಅಧಿಕಾರಿಗಳಿಗೆ ಕಡ್ಡಾಯವಾಗಿ ಸೂಚನೆಮಾಡುತ್ತೀರಾ ?

ಶ್ರೀ ಆರ್. ಚೆನ್ನಿಗರಾಮಯ್ಯ.—ಮಾಡಲಾಗುವುದು.

Dr. R. NAGAN GOWDA.—Sir, may I know whether the amount that is sanctioned as grant bears any relation whatsoever, to the entire scheme ?

Sri R. CHENNIGARAMAIAH.—This has no proportion to the total estimated cost.

Starting of a Cement Plant in Oblapur in Tumkur District.

Q.—2863. Sri J. B. MALLARADHYA (Nanjangud).—

Will the Government be pleased to state :—

(*a*) whether it is a fact that they had appointed a Committee in 1955 to go into the question of starting a cement plant in Oblapur in Tumkur district;

(*b*) the members of the Committee ;

(*c*) the recommendations sent by this Committee to the Government ;

(*d*) the action taken by them on the recommendations of the Committee ;

(*e*) whether they will place a copy of the report of the Committee on the Table of the House for the information of members ?

A.—Sri C. M. POONACHA (Minister for Home Affairs and Industries).—

(*a*) A committee was appointed in 1955-56 to examine the question of starting a second cement factory in the State.

(*b*) 1. Director of Industries and Commerce in Mysore(*Chairman*).
2. Sri V. M. Mascarenhas.
3. The Director of Geology.
4. The Deputy Commissioner, Chitaldrug District.
5. The Deputy Commissioner, Tumkur District.
6. The General Manager, Mysore Iron and Steel Works.
7. The Works Manager (Cements), Mysore Iron and Steel Works (*Secretary*).

(*c*) The Committee recommended, *inter alia*, that the site in Tumkur district is comparatively more suitable for the location of a second cement factory, and that in view of the Planning Commission's opinion that the establishment of a cement plant in the State might be left to the private sector, the establishment of one might be left to M/s. Sterling Construction and Trading Company, who had come forward to take it up.

(*d*) No action is called for except to consider the requests of M/s. Sterling Construction and Trading Company who have applied to Government for certain concessions as the Government of India have indicated to them, their approval to grant a licence for a cement factory. Their requests are under consideration.

(*e*) Yes. Copy placed on the Table of the House.

Sri J. B. MALLARADHYA.—Sir, may I know the date on which Government received the report of this Committee ?

*Sri C. M. POONACHA.—I have got the report with me and I believe the Hon'ble member also must have a copy of it. Anyway, I will find out the date and inform him.

Sri J. B. MALLARADHYA.—Have Government passed any order on that report?

Sri C. M. POONACHA.—Yes, Sir. Due action has been taken and the matter is taken to the Licensing Committee, Government of India. They have been pleased to say that license will be issued to start a cement factory at Chiknaikanhalli. Party is now negotiating to secure deferred payment terms. After the finalisation of this, license to start the cement factory will be given.

Sri J. B. MALLARADHYA.—Are the Government aware that until and unless they pass a definite order on the recommendations of this Committee, no action can be taken by the parties concerned in regard to the finalisation of the proposals for starting a cement factory?

Sri C. M. POONACHA.—If the question is with reference to this Government, they have passed final orders recommending the case to the Development Wing of the Planning Commission and the Licensing Committee. The Licensing Committee have examined the whole question and have agreed provided it is on deferred payment terms for the purchase of machinery from abroad.

Sri J. B. MALLARADHYA.—Have the Government of India made it a condition precedent that the deferred payment proposal must be put forward before them?

Sri C. M. POONACHA.—In view of the foreign exchange difficulties, that is now a condition precedent for giving clearance to starting of certain industries.

Sri J. B. MALLARADHYA.—What items of the recommendations of the Committee in regard to starting of this industry are accepted?

Sri C. M. POONACHA.—The recommendation is with regard to the installation of a cement Factory at Oblapur in Tumkur District where lime stone deposits and other facilities are available. This proposal has been accepted and recommended to the Government of India for their acceptance.

Sri C. K. RAJAIAH SETTY.—The Hon'ble Minister has been pleased to say with reference to clause (*d*) that the licensee has applied for certain concessions. What is the decision taken by this Government in granting those concessions?

Sri C. M. POONACHA.—There is no such thing as concessions actually. Certain facilities like land, water, and electricity will have to be provided. This Government has assured that necessary facilities in respect of land, water supply and electricity supply would be made according to the terms on which these things are generally made available to industries.

Sri G. N. PUTTANNA.—What is the total cost incurred by this Committee during the course of their investigation, in coming to a settlement and in sending their report to Government?

Sri C. M. POONACHA.—That information I do not have. After all it is purely an expert Committee. They seem to have visited the area and then also met at Bhadravati. Any expenditure would have been only with respect to travelling and daily allowances. It would not be a very big figure. If actual figure is required, I shall furnish it.

Sri G. N. PUTTANNA.—Did the Government have no idea of starting a cement factory at Oblapur in Tumkur District?

Sri C. M. POONACHA.—That was once the intention; but later on the Planning Commission of the Government of India decided that starting of cement factory, paper factory, or sugar factory should be left to the private sector. Therefore it has not been taken as a Government enterprise.

Sri J. B. MALLARADHYA.—I invite attention to page 6 of the report of the Committee. They have specific recommendations in respect of half a dozen items. Will Government participate in the capital investment of this concern?

Sri C. M. POONACHA.—That is a matter for future consideration. Normally we agree to contribute about

(SRI C. M. POONACHA)

10 per cent of the share capital. If it is absolutely required, Government will consider that position. At the moment we are not committed to that position.

Sri C. K. RAJAIAH SETTY.—May I know whether the factory is of a wet process or dry process?

Mr. SPEAKER.—That question does not arise now.

Sri C. K. RAJAIAH SETTY.—If there is considerable water then only dry process is possible. It will be a wet process if there is water shortage.

Sri G. N. PUTTANNA.—What is the share of the Government of Mysore to be invested in this factory as was proposed by the Committee?

Sri C. M. POONACHA.—The question of Government investment in the share capital is a matter to be considered later. At one time it was expected that the cement factory could be installed at a cost of Rs. 80 to 90 lakhs or round about that. Now the cost has gone up. It is said that it may cost a crore and 30 lakhs. It cannot be said positively because it depends upon the manufacture and the country from which the machinery is likely to be imported.

Sri J. P. SARWESH.—May I know whether this Committee went into the question of satrting another cement factory at Wadi junction in Chitapur District.?

Sri C. M. POONACHA.—This Committee was constituted to go into the question of starting a cement plant at Oblapur in Tumkur District. So far as Wadi is concerned, certain surveys have taken place. The matter is under consideration. It is known that very rich deposits of lime stone are available there. Wadi is one of the places where we have our own views to help any enterprise.

ಶ್ರೀ ಎನ್. ಜಿ. ನರಸಿಂಹೇಗೌಡ.—ಈ ಸೀಮೆಂಟ್ ಫ್ಯಾಕ್ಟರಿಯನ್ನು ಸ್ಥಾಪನೆ ಮಾಡುವುದರಿಂದ ಒಂದು ದಿವಸಕ್ಕೆ ಎಷ್ಟು ಟನ್ ಸೀಮೆಂಟ್ ಉತ್ಪಾದನೆಯಾಗುತ್ತದೆಂದು ಅಂದಾಜಾಗಿದೆ?

ಅಧ್ಯಕ್ಷರು.—ಈ ಪ್ರಶ್ನೆ ಉದ್ಭವಿಸುವುದಿಲ್ಲ.

ಶ್ರೀ ಜಿ. ಎನ್. ಪುಟ್ಟಣ್ಣ.—ಪ್ರೈವೇಟ್ ಸೆಕ್ಟರಿಗೆ ಇದನ್ನು ವಹಿಸಿ ಕೊಡಬೇಕೆಂಬ ವಿಚಾರ ಇದ್ದರೆ ಸರಕಾರ ಮತ್ತು ಪ್ರೈವೇಟ್ ಸೆಕ್ಟರ್ ನಡುವೆ agreement ಆಗಿದೆಯೇ? ಹಾಗಾಗಿರುವುದಾದರೆ ಹೆಚ್ಚಾಗಿ ಮೈಸೂರಿನಲ್ಲಿರುವ qualified ಜನರಿಗೆ ಕೆಲಸ ಕೊಡಬೇಕು ಎಂದು agreementನಲ್ಲಿ ಇದೆಯೇ?

ಶ್ರೀ ಸಿ. ಎಂ. ಪೂಣಚ್ಚ.—ಅಂತಹದೇನನ್ನೂ ಆಲೋಚನೆಮಾಡಿಲ್ಲ.

ಶ್ರೀ ಜಿ. ಎನ್. ಪುಟ್ಟಣ್ಣ.—ನಮ್ಮಲ್ಲಿರುವ qualified ಜನರಿಗೆ ಕೆಲಸ ಸಿಕ್ಕದೆ, ಹೊರಗಿನವರೇ ಬಂದು ಸೇರಿಕೊಳ್ಳುತ್ತಾರೆ ಎಂಬುದು ಸರಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ?

ಅಧ್ಯಕ್ಷರು.—ಈ ಪ್ರಶ್ನೆ ಉದ್ಭವಿಸುವುದಿಲ್ಲ.

ಶ್ರೀ ಜಿ. ಎನ್. ಪುಟ್ಟಣ್ಣ.—ಇದನ್ನು ಸರಕಾರದ ಗಮನಕ್ಕೆ ತಂದಿದ್ದೇವೆ. ಇದನ್ನು consider ಮಾಡುತ್ತೇವೆ ಎಂದಾದರೂ ಸರಕಾರ ಉತ್ತರ ಕೊಡಲಿ. ಅಥವಾ ಪ್ರೈವೇಟ್ ಸೆಕ್ಟರ್ assurance ಕೊಟ್ಟಿಲ್ಲ ಎಂದಾದರೂ ಹೇಳಬೇಕು.

ಅಧ್ಯಕ್ಷರು.—ಇಷ್ಟು general ಆಗಿ ಪ್ರಶ್ನೆ ಕೇಳುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲ.

Sri C. K. RAJAIAH SETTY.—Was it not possible to start this factory on a co-operative basis like a sugar factory?

Sri C. M. POONACHA.—With regard to establishment of sugar factory there is an additional factor in that there would be sugarcane growers in the locality and they would be members to start with and so, collection of share capital would not be very difficult. But with regard to cement factory it is rather difficult and that particular aspect has not been examined.

Sri J. B. MALLARADHYA.—Was not the scheme included in the State's Second Five Year Plan?

Sri C. M. POONACHA.—Yes.

Sri J. B. MALLARADHYA.—Then why was it dropped?

Sri C. M. POONACHA.—Tentatively it was included. Later on when it was finalised it was decided by the Government of India that certain industries would have to be left over to the private sector. Therefore this is now left over to the private sector.

Mr. SPEAKER.—Question No. 3476. Sri K. S. Suryanarayana Rao.

Sri V. SRINIVAS SHETTY.—On a point of order, Sir. This question can neither be asked nor answered in this House.

Mr. SPEAKER.—Why?

Sri V. SRINIVAS SHETTY.—I will submit: Under rule 25(j) it 'the question' shall not relate to a matter which is not the concern of the Government.

There is separation of the judiciary from the executive and this magistrate is directly under the High Court and so this is a matter concerning the dignity of the court of a very respectable First Class Magistrate. During the trial very grave allegations have been made against the police and the police have refused to file charge-sheets in his court thinking that the case would be dismissed.

Mr. SPEAKER.—That is not so.

Sri V. SRINIVAS SHETTY.—The point is whether this question can be discussed on the floor of the House. I bring to the notice of the Chair the provision in May's *Parliamentary Practice* (Page 437) which directly covers this point :

"REFLECTIONS ON THE SOVEREIGN, ETC. :—Unless the discussion is based upon a substantive motion, drawn in proper terms, reflections must not be cast in debate upon the conduct of the sovereign, the heir to the throne, or other members of the royal family, the Governor-General of a Dominion, the Speaker, the Chairman of ways and means, members of either House of Parliament or judges of the superior courts of the United Kingdom, including persons holding the position of a judge, such as a Judge of a Court of Bankruptcy or a county court. Nor may opprobrious reflections be cast in debate on sovereigns and rulers over, or governments of, dominions or countries in amity with his Majesty, or their representatives in this country."

In Note (*m*) it is said :

"Reflections against the judges generally are equally out of order....."

In Note (*n*) it is said :

"The Speaker has also ruled out of order language disrespectful to persons administering justice, such as resident magistrates in Ireland ..... and criticism of sentences imposed by magistrates ..... including Justices of the Peace....."

In this particular question if we go on discussing how a magistrate has behaved in a particular case on a particular day, or whether he has shown a bias towards the police or against the police or towards the accused or against the accused, then I do not know where it will end. So in the interests of justice I submit that this question cannot be discussed by this House.

Sri K. S. SURYANARAYANA RAO.—Sir, there are two aspects of this question. One is regarding the law and order position arising out of particular proceedings in the court and the other is the proceedings in the court itself. Here what I am anxious about is to draw the attention of Government to the law and order situation in the taluk or in the area coming under the jurisdiction of that court. Therefore, viewed from that aspect of the matter, this is a matter which is entirely within the purview of this House and within the competence of this Legislature to debate and so it is not out of order. I am not here to cast aspersions or to comment on or to make any insinuation against a presiding officer of the court. What follows from a particular statement of the magistrate and the effect it has on the locality, is the matter under consideration. Therefore this question is not out of order.

Mr. SPEAKER.—May I know from Government whether the magistrate is under the jurisdiction or control of Government ?

Sri C. M. POONACHA.—He is under the direct control of the High Court.

Mr. SPEAKER.—Whether the Government have got any supervising power so far as the magistrate is concerned ?

Sri C. M. POONACHA.—No.

Mr. SPEAKER.—Who appoints the magistrate ?

Sri C. M. POONACHA.—The High Court.

Mr. SPEAKER.—Before admitting this question, I have considered this matter at length. The remarks made by the magistrate are not in discharge of his duty as a magistrate. That is why I have allowed this question.

Sri C. J. MUCKANNAPPA.—Sir, When certain members were making their speeches on the general discussion of the budget your goodself ruled that nobody should cast any reflection on the court or Judges. That There were three rulings to that effect from the Chair. We learn from papers yesterday in the Bihar Assembly the ruling of the Speaker was revised by himself. The ruling which was given by him prior to the pandemonium which was created was revised by him yesterday and he said that he would refer the matter to the Privileges Committee. Hence I request the Chair to reconsider the admissibility and the ruling which is now given.

Sri K. S. SURYANARAYANA RAO.—That is a comment on the ruling of the Chair.

Sri C. J. MUCKANNAPPA.—I have not commented on the ruling of the Chair.

Mr. SPEAKER.—Of course, it was an indirect comment; that cannot be denied. The magistrate acting in the discharge of his duty is one thing and the magistrate making remarks which are not called for in the discharge of his duties is quite another thing. That is why I have allowed this question.

Sri V. P. DEENADAYALU NAIDU.—Sir, in (*a*), the question is whether the Magistrate has stated in the open court. It is not a statement that is made outside the court, but it is a statement made by him as a magistrate in the open court. Can we construe anything that happens in the court during the sitting of the court as something which is outside the purview of the magistrate acting as a magistrate in the open court?

Mr. SPEAKER.—The magistrate may sit in his chair, but he must make a statement in the discharge of his duty. Suppose the magistrate has made some such remark as is alleged. That cannot be any stretch of imagination be said to be a statement made in the discharge of his duties.

Sri V. P. DEENADAYALU NAIDU.—The point is whether this Government has control over the the magistrate and his saying something in the court and if it has no control how can this question be discussed in this House?

Mr SPEAKER.—If the magistrate was saying anything in the discharge of his duty then this Government would have no concern, but since it was not in the discharge of his duty and since it was a sort of extra remark, if at all it was, the Government have some concern with it.

Sri C. M. POONACHA.—May I give further information relating to this question arising out of the doubt in the mind of Hon'ble Members. It was said that the law and order position might be affected by the attitude is reported to have been taken by the magistrate. I am going to confine my remarks to that aspect only. I may submit that since that date as many as 20 cases were filed before this magistrate and they have ended in conviction except in two cases in which the accused were acquitted.

Sri K. S. SURYANARAYANA RAO.—Am I to put question or is the Minister to make a statement?

Mr. SPEAKER.—He is making the position clear in view of the doubt that was raised.

Sri V. P. DEENADAYALU NAIDU.—Can the Government explain the position? There are two aspects to this question. One is the magistrate acting under the supervision and control of the High Court and the other is something which transpires in the court and which is beyond his jurisdiction. I would like the Government to inform the House of the exact position. So far as his action as a magistrate is concerned, I think there is no doubt that we cannot go into it, but the question is whether Government can take the responsibility for answering something regarding what the magistrate has said acting beyond his jurisdiction as a magistrate? Has the Government any control or supervision over judicial officers? Let us assume for the sake of argument that the magistrate has made the remark which is alleged to have been made by him. The question is whether Government have the power to control such a situation.

Mr. SPEAKER.—The Home Minister just now said that he was going to answer this question from the point of view of the law and order position and from the point of view as to how far the remarks of the magistrate have a bearing on the law and order position. In that respect, I think he is perfectly right.

Sri G. ANNA RAO.—The Home Minister is not right in the sense that the magistrate is directly under the Government when he is appointed. The appointing authority is the Government. However, if in the discharge of his judicial functions he passes a certain order, then that order, can be reversed by the High Court.

1-30 P.M.

But when he does not act in his judicial capacity, but makes certain remarks in the court, it would be perfectly under the jurisdiction of Government to take action, because when Government is the appointing authority, it is the Government that can investigate the case.

Mr. SPEAKER.—Article 234 reads like this: "Appointments of persons other than District Judges to the judicial service of a State shall be made by the Governor of a State in accordance with the rules made by him in that behalf after consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such State."

So this makes it clear.

*Sri B. VAIKUNTA BALIGA (Minister for Labour and Legal Affairs).—May I render a little clarification, Sir? A number of associated ideas have been mentioned here. One thing that must be made clear is what are the exact facts to be dealt with by the House? When an allegation or a report has appeared in the press if it is a question of ascertainment of factual data as to whether such a remark has been made or not, all the questions now raised, as to whether it would be a reflection on the presiding officer or not and such other questions, do not materially arise. This is particularly so, in view of the reply rendered now that such an observation has not been made by the Magistrate concerned. We would be getting into debatable points, if divergent views are expressed. If this question has been intended to elicit information, the question has been admitted-rightly too-and there is nothing wrong in ascertaining the facts. It cannot be said that the Government has absolutely nothing at all to do with regard to this case, inasmuch as the administration of justice is not something which the Government could shirk. If it were perhaps found that such a remark has been made and the debate on that is going to cast aspersions on the propriety or impropriety of that remark having been made, then the position would be entirely different, but in view of the position revealed in the replies given by Government, I feel it is perfectly right that the question has been admitted.

Mr. SPEAKER.—I would not allow further discussion. There must be an end.

Sri J. B. MALLARADHYA.—Sir, has a ruling been given already?

Mr. SPEAKER.—Yes.

Sri J. B. MALLARADHYA.—What is that ruling, Sir?

Mr. SPEAKER.—The ruling is that this question has been admitted after due consideration. The Magistrate has been appointed by the Government according to Article 234 and this question not only deals with the remarks of the magistrate, but it has something to do with the position of law and order. To that extent, it is quite relevant.

(*Sri V. P. Deenadayalu Naidu rose.*)

Mr. SPEAKER.—No discussion.

Sri V. P. DEENADAYALU NAIDU.—I would only read the relevant portion.....

Mr. SPEAKER.—No further discussion. If the Hon'ble Member speaks, others may also claim the right to speak. It cannot be allowed. Hon'ble Member Sri Suryanarayana Rao may ask the question now.